

REMARKS

At the outset, applicant thanks Examiner Vu for his time and consideration in discussing the above-identified application with the undersigned. During that discussion, the communication mailed on January 19, 2007 was discussed. Examiner Vu indicated that the communication was issued because the restriction requirement was not acknowledged in the amendment of September 13, 2006.

Accordingly, applicant acknowledges that a provisional election was made with traverse to prosecute the invention of Group I, claims 74-90 and 95-100. However, applicant believes that a search and examination of all the claims in their full scope places an undue burden on the Patent Office. The claims all relate to a solid delayed-release formulation in some manner. As a result, a search and examination of the claims in Group I would yield relevant prior art for the other groups identified by Examiner Vu in the telephone conversation of February 17, 2007.


The communication mailed on January 19, 2007 also indicated that the applicant has received an action on the merits of the originally-presented invention. Accordingly, the communication indicated that the new claims were withdrawn from consideration for being directed to a non-elected invention. However, applicant respectfully notes that the new claims depend from claims of the elected invention. Therefore, it is unclear as to why claims 101-127 would be withdrawn from consideration.

Thus, in view of the above, applicant respectfully requests a search and examination of all the pending claims in their full scope. As noted in the amendment of September 13, 2006, applicant believes the application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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